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PACIFIC BELL TELEPHONE COMPANY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE,

Plaintiff,

vs.

PACIFIC BELL TELEPHONE COMPANY,
Defendant.

CASE NO. 2:21-cv-00073-DAD-JDP

**STIPULATION CONCERNING
BRIEFING DEADLINES FOR
BTB/MTS'S MOTION FOR
RECONSIDERATION**

Judge: Hon. Dale A. Drozd
Courtroom: 4

Action Filed: January 14, 2021
Trial Date: None

1 Having met and conferred, Defendant Pacific Bell Telephone Company (“Pacific Bell”) and
2 non-party witnesses Marine Taxonomic Services, Ltd., Below the Blue, Seth Jones, and Monique
3 Rydel-Fortner (collectively “BTB/MTS”) (together, the “Parties,” and each a “Party”) hereby
4 stipulate and agree as follows:

5
6 **WHEREAS**, on October 14, 2025, BTB/MTS filed and served their “Request for
7 Reconsideration by the District Court of Magistrate Judge’s Ruling” (the “Request for
8 Reconsideration”) in the related Case No. 2:24-cv-00022-KJM-JDP (MTS/Dkt. 35).¹ BTB-MTS
9 stated in the Memorandum in Support of the Request that it did so on the understanding that District
10 Judge Kimberly J. Mueller had assumed a supervisory role as District Court Judge, and that filing
11 in that docket was the correct procedure to ensure that the request would be docketed before the
12 relevant District Court Judge (see MTS/Dkt 27, 30, 36 at 4-6 & n.5); and

13
14 **WHEREAS**, Joshua Koltun, counsel for BTB-MTS, has represented to counsel for Pacific
15 Bell as follows. On October 16, at 2:39 pm, the Deputy Clerk of the Court (“KEZ”), called him
16 and indicated that BTB-MTS should refile the Request for Reconsideration in Case No. 2:21-cv-
17 00073-JDP. Koltun expressed the concern that BTB-MTS needed to docket the request before a
18 District Court Judge (at the time the docket in this matter did not list a supervisory District Court
19 Judge). The Deputy Clerk assured Koltun that the Court had an alternative means of ensuring that
20 the Request for Reconsideration be docketed before a District Court Judge; and

21
22 **WHEREAS**, the Deputy Clerk then (at 2:51 pm on October 16) issued a “CLERK’S
23 NOTICE of DOCKET CORRECTION” (MTS Dkt 38) ordering that the Request for
24 Reconsideration, Memorandum, and Proposed Order (MTS/Dkt 35, 36, 37) be refiled in the correct
25 case number, 2:21-cv-0073-JDP; and

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¹ In this Stipulation, the, entries on that docket will be referred to as “MTS/Dkt __,” and docket
entries in Case No. 2:24-cv-00022-KJM-JDP as “BTB/Dkt __.” The Request for Reconsideration
was served on all of Pacific Bell’s counsel listed on both dockets.

1 **WHEREAS**, BTB-MTS shortly thereafter refiled the documents as directed, *see* BTB/Dkt
2 179, 180, 181; and,

3 **WHEREAS**, on October 17, the Courtroom Deputy to Magistrate Judge Jeremy D.
4 Peterson issued an order that, in light of the Request for Reconsideration, “the Clerk of the Court
5 is directed to randomly assign a United States District Judge to this case (BTB/Dkt 182); and
6

7 **WHEREAS**, shortly thereafter the case was assigned to the District Judge Dale A. Drozd
8 (BTB/Dkt 183);

9 **WHEREAS**, in light of the foregoing procedural background, and pursuant to Local Rule
10 303(d) of the United States District Court for the Eastern District of California, Pacific Bell’s
11 response to the Request for Reconsideration is due seven (7) days after the filing of the Request;
12

13 **WHEREAS**, counsel for Pacific Bell and counsel for BTB/MTS have conferred and agreed
14 to resolve their respective contentions concerning deadlines that might arise under the foregoing
15 circumstances, and

16 **WHEREAS** counsel for BTB-MTS is also willing as a professional courtesy to agree to a
17 to a short extension of Pacific Bell’s response deadline.

18 **NOW, THEREFORE**, the Parties respectfully and jointly request that the Court enter an
19 order as follows:

- 20
- 21 1. BTB-MTS is deemed to have timely filed its Request for Reconsideration; and
 - 22 2. Pacific Bell’s deadline to file its response to the Motion for Reconsideration is extended
23 to **October 28, 2025**.

24 The Parties further agree that this stipulation to extend the deadline is made without waiver
25 of any argument or defense that Pacific Bell may have in opposition to BTB/MTS’s Motion for
26 Reconsideration. Neither Party has requested any prior extensions regarding this matter, and thus
27 the extensions requested will not unduly delay these proceedings. A stipulated order follows the
28 Parties’ signature blocks.

1 DATED: October 20, 2025

Respectfully submitted,

2 /s/ Jon Kelley

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21 MARINE TAXONOMIC SERVICES, LTD,

22 BELOW THE BLUE, SETH JONES, AND

MONIQUE RYDEL-FORTNER

23
24 The filer of this document attests that all signatories listed above have concurred in the
25 filing of this document.
26
27
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[PROPOSED] ORDER

In light of the stipulation between Pacific Bell Telephone Company (“Pacific Bell”) and non-party witnesses Marine Taxonomic Services, Ltd., Below the Blue, Seth Jones, and Monique Rydel-Fortner (collectively “BTB/MTS”) (together, the “Parties”) and good cause appearing, the Court hereby GRANTS the Parties’ request as follows:

1. BTB-MTS is deemed to have timely filed its Request for Reconsideration (Dkt 179);
2. Pacific Bell’s deadline to file its response to the Request for Reconsideration is extended to **October 28, 2025**

IT IS SO ORDERED.

DATED: _____, 2025

DALE A. DROZD
UNITED STATES DISTRICT JUDGE